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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/787,061	02/24/2004	Christian Miculka	612,406-040

34263  
O'MELVENY & MEYERS  
114 PACIFICA, SUITE 100  
IRVINE, CA 92618

CONFIRMATION NO. 9521

FORMALITIES LETTER



\*OC000000012695300\*

Date Mailed: 05/18/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$900** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

08/24/2004	WABDELR1	000000020	502462	10787061
01	FC:001			770.00 DA
02	FC:1051			130.00 DA

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Patent 505C1  
Attorney Docket 612,406-040

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

the Application of:

**MICULKA et al.**

**Serial No.: 10/787,061**

Filed: February 24, 2004

For: 3-DEOXYPENTOPYRANOSYL  
NUCLEIC ACID, ITS PRODUCTION  
AND ITS USE

Group Art Unit: 1632

Examiner: Not yet assigned

**TRANSMITTAL LETTER**

Mail Stop Missing Parts  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

**I. DOCUMENTS ENCLOSED:**

In response to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION UNDER 37 CFR §1.53(b), which was mailed by the Patent Office on May 18, 2004, enclosed are:

- Declaration (copy from parent application)
- Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers (copy from parent application)
- Assignment of the invention to \_\_\_\_\_ (together with PTO Form 1595)
- A copy of the Notice to File Missing Parts of Application under 37 CFR § 1.53(f).

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CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

August 18, 2004

Date of Deposit

*Cynthia B. Pacheco*  
Cynthia B. Pacheco

**II. REQUEST FOR EXTENSION OF TIME:**

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.

Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input checked="" type="checkbox"/> one month	\$55.00	\$110.00
<input type="checkbox"/> two months	\$210.00	\$420.00
<input type="checkbox"/> three months	\$475.00	\$950.00
<input type="checkbox"/> four months	\$740.00	\$1,480.00
<input type="checkbox"/> five months	\$1,005.00	\$2,010.00

Fee \$110.00

No extension fee is required.

**III. FILING FEES**

Applicant claims small entity status under 37 C.F.R. §1.27.

BASIC FILING FEE:						\$770.00
Total Claims	1	-	20	=	0	x \$18.00 \$0.00
Independent Claims	1	-	3	=	0	x \$86.00 \$0.00
Multiple Dependent Claims	\$290	(if applicable)			<input type="checkbox"/>	\$0.00
Surcharge 37 CFR § 1.16(e)	\$130	(if applicable)			<input checked="" type="checkbox"/>	\$130.00
<b>TOTAL OF ABOVE CALCULATIONS</b>						<b>\$900.00</b>
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28. If applicable, Verified Statement must be attached.						\$0.00
Extension of Time (from above)						\$110.00
Assignment -- \$40 (if applicable)						<input type="checkbox"/> \$0.00
<b>TOTAL FEES SUBMITTED HEREWITH</b>						<b>\$1,010.00</b>

**IV. METHOD OF PAYMENT OF FEES:**

- A check in the amount of \_\_\_\_\_ is enclosed to cover the above fee(s).
- Charge Deposit Account No. 50-2862 in the amount of \$1,010.00. A duplicate copy of this document has been enclosed for processing purposes.

- The Commissioner is authorized to charge O'Melveny & Myers' Deposit Account No. 50-2862 for any fees required under 37 CFR §§1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: August 18, 2004

By: Diane K. Wong  
Diane K. Wong  
Reg. No. 54,550  
Attorneys for Applicants

DKW/cp

IR1:1057247.1

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